

## **EXHIBIT H**

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UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

Case No. 05-44481-rdd

In the matter of:

DPH HOLDINGS CORP., et al.,

### Reorganized Debtors.

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United States Bank:

Spiral galaxy 1805-06

P. B. B. O. P. B. B.

HON. ROBERT D. DRAIN  
U.S. BANKRUPTCY JUDGE

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2 HEARING re Reorganized Debtors' Emergency Motion for Order

3 Under Section 105(a) of the Bankruptcy Code, Fed. R. Bankr. P.

4 7004(a) and 9006(b) (1) and Fed. R. Civ. P. 4(m) Extending

5 Deadline to Serve Process for Certain Avoidance Actions

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25 Transcribed by: Lisa Bar-Leib

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212-267-6868

516-608-2400

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1  
2 A P P E A R A N C E S :

3 BUTZEL LONG P.C.

4 Attorneys for DPH Holdings Corp., Reorganized Debtors  
5 380 Madison Avenue  
6 22nd Floor  
7 New York, NY 10017

8

9 BY: ERIC B. FISHER, ESQ.

10

11 TOGUT, SEGAL & SEGAL LLP

12 Attorneys for DPH Holdings Corp., Reorganized Debtors  
13 One Penn Plaza  
14 New York, NY 10110

15

16 BY: DANIEL F.X. GEOGHAN, ESQ.

17

18 MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

19 Attorneys for Kostal of America Inc. and also Kostal  
20 Mexicana S.A. de C.V.

21 150 West Jefferson  
22 Suite 2500  
23 Detroit, MI 48226

24

25 BY: DONALD J. HUTCHINSON, ESQ.

VERITEXT REPORTING COMPANY

212-267-6868

516-608-2400

1 ROBINSON & COLE LLP  
2

3 Attorneys for Prudential Relocation, Prudential Relocation  
4 Incorporated, Prudential Relocation International  
5 1055 Washington Boulevard  
6 9th Floor  
7 Stamford, CT 06901  
8

9 BY: NATHAN C. ZEZULA, ESQ.  
10

11 HONIGMAN MILLER SCHWARTZ & COHN LLP  
12

13 Attorneys for Affinia Canada Corp., Itapsa S.A. de C.V., a  
14 Mexican company, and Wix Filtration Products Europe  
15 Limited and Valeo Schalter und Sensoren GMBH  
16 2290 First National Building  
17 660 Woodward Avenue  
18 Detroit, MI 48226  
19

20 BY: JUDY B. CALTON, ESQ.  
21  
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23  
24  
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1 procedures specifies that any party may apply for relief from  
2 that order. And any foreign defendant served after that order  
3 -- after a case management order is entered with regard to  
4 these cases can seek relief certainly on the grounds that they  
5 had not been served and thus were not a party to these cases --

6 THE COURT: Well, would they even have to seek relief  
7 if they're not a party? I mean, it's odd to say that they'd be  
8 bound if they're not party to an adversary proceeding that's  
9 been --

10 MR. FISHER: Your Honor, the purpose --

11 THE COURT: -- served yet.

12 MR. FISHER: -- of the case management order, of  
13 course, is to have uniform procedures in place that expedite  
14 these cases --

15 MR. FISHER: So as a practical matter, it would seem  
16 to me that they would want to participate in the hearing,  
17 although with regard to deadlines and such, obviously those  
18 deadlines would have to run from service, right? They wouldn't  
19 be running from the filing of the complaint.

20 MR. FISHER: That's correct, Your Honor.

21 THE COURT: Okay.

22 MR. FISHER: And certainly, if any of the objectants'  
23 counsel wishes to consent to service and be heard on April  
24 22nd, that certainly would simplify matters greatly.

25 THE COURT: You would not preclude any of these